Remarks

Claims 21-40 are pending in the present Application. Of these claims, claims 31-40 have been withdrawn from consideration as a result of an earlier restriction requirement. Applicants previously (in response filed January 25, 2006) canceled claims 31-40 as non-elected claims, while at the same time preserving the right to file one or more divisional application on the invention of the cancelled claims, if Applicants choose to do so.

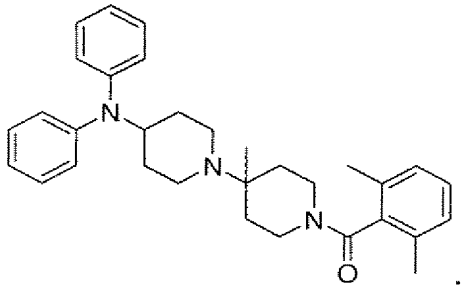
In the present paper, Applicants have amended claims 21-26, 29, and 30. Claims 21-24 have been amended to exclude subject matter outside the scope of the restriction requirement, i.e., subject matter that does not correspond to R^1 and R^2 being nonheterocyclic, and R^3 being an optionally substituted pyrimidine or pyrimidine N-Oxide, and further to exclude compounds that do not have the following limitations: wherein R^1 is MR^4 wherein M is aryl optionally substituted with 1-4 R^4 groups, R^2 is arylalkyl, and R^3 is optionally substituted pyrimidine. These limitations have been recited to bring the claims in line with the arguments set forth below and the data in the attached Declaration showing unexpected advantages of certain compounds over those in the cited reference. All other pending claims are dependent on claims 21-24.

Rejection under 35 U.S.C. §103

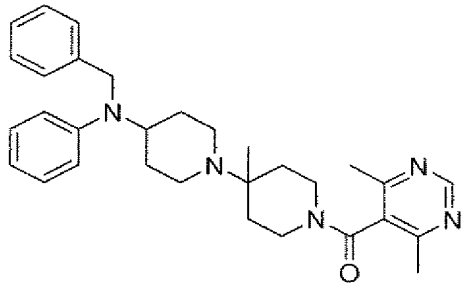
In the Office Action dated April 17, 2006, pending claims 21-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albert '920 cited above. The Examiner asserts that the priority document GB '876.4, having a priority date of August 9, 2001, generically discloses that R_2 of formula I of GB '876.4 (akin to R^3 of the presently claimed compound) of the presently claimed compound can be phenyl or 6-membered heteroaryl which heteroaryl can be selected from a list of many options, including pyridyl, pyrimidyl and pyridazinyl. The Examiner further asserts that in the absence of unexpected results, claims 21-30 are prima facie unobvious, as one of ordinary skill in the art would be guided by the example of a six membered ring aromatic group (example 1 on page 5 of GB '876.4), and the explicit disclosure of the optional choices of the other three six membered heteoaryl groups, i.e., pyridyl, pyrimidyl or pyridazinyl to arrive at the presently claimed compounds.

Applicants' amendments and arguments set forth below coupled with the enclosed **Declaration under 37 CFR 132** by inventor Michael W. Miller is deemed to overcome this rejection.

The scope of compounds of formula I in GB '876.4 is very large. Even though GB '876.4 discloses that R_2 of formula I in this reference can be 6-membered heteroaryl or heteroaryl N-oxide, the examples of heteroaryl rings disclosed on page 3 include many different structural types, viz., furyl, thienyl, pyrrolyl, isothiazolyl, imadazolyl, pyrazolyl, isoxazolyl, pyridyl, pyrimidinyl, or pyridazinyl. Benzo-fused bycyclic rings derived from the aforementioned heteroaryl groups are also included within the scope. However, the closest and only compound actually exemplified in GB '876.4 is the one set forth on page 5, viz.,



As shown in the attched Rule 132 Declaration, the compound of Example 9 (page 53 of the present specification), having the structure



shows unexpected property over the reference compound. The compound of Example 9 shows unexpectedly better efficacy (as measured by IC50 values) in the presence of human serum. Based on the IC50 values shown in the Declaration, this compound should be expected to interact with the desired receptor (CCR5) with higher efficiency *in-vivo*. This compound corresponds to presently claimed Formula I wherein R^1 is phenyl, R^2 is arylalkyl and R^3 is substituted pyrimidine and is deemed a good representative of all presently claimed compounds of Formula I wherein R^1 is MR^4 wherein M is aryl optionally substituted with 1-4 R^4 groups, R^2 is arylalkyl, and R^3

is optionally substituted pyrimidine. Accordingly, the pending claims have been amended to recite these limitations. The Examiner is respectfully requested to allow the pending claims in view of the Declaration and the present arguments.

CONCLUSION

Applicants respectfully request prompt reconsideration of present claims 21-30, and an early allowance of the application.

If the Examiner wishes to comment or discuss any aspect of this application or response, applicants' undersigned attorney invites the Examiner to call him at the telephone number provided below.

March 8, 2007

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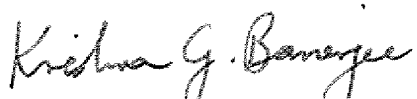
Respectfully submitted,



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